

Enrole

1744

Attorney Docket Number IR 6765-00

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By:

Tracy C. Allard

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Eyal Eliav et al.

Serial No. 10/066,459

Examiner: R.E. Chin

Filed: 01/31/2002

Art Unit: 1744

For: Powered Toothbrush

Paper No.: N/A

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Mail Stop Non-Fee Amendment

Sir:

Request for Reconsideration of an Election/Restriction Requirement

(Reply by Applicant to a Non-final Office Action Under 37 CFR 1.111(a)(1))

In response to the subject March 11, 2004 Office Action requiring an Election/Restriction the Applicants hereby provisionally elects the species claimed in the invention as shown in Figs 1 – 10A and hereby requests reconsideration and withdrawal of the election requirement based upon the arguments presented below as to why Applicants believe that the subject election/restriction is in error.

With respect to the provisional identification of the invention shown in Figs. 1 – 10A, Applicants hereby identify the species in claims 1 – 7 and 16 - 21 as readable thereon. If the subject Election/Restriction requirement is made final, Applicants reserve the right to file a divisional application with respect to the non-elected claims.

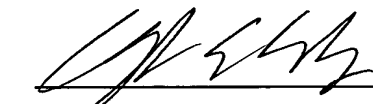
REMARKS

Applicants hereby transverse the subject Election/Restriction requirement based upon the following argument:

Per MPEP §803.01, if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. Applicants respectfully point out that the subject invention relates solely to power drive toothbrushes having new and novel drive linkages to drive multiple moving bristle platform configurations therein. An initial search of the prior art related to such power toothbrush with multiple moving bristle platforms will clearly reveal the patentability of alternative versions of drive linkages involved therewith. Therefore, there is no extra burden upon the Examiner for additional searching past the initial search regarding drives for such multiple moving bristle platform configurations and the subject Restriction/Election requirement relating to varying types or species of drive linkages for multiple moving bristle platforms.

Applicant respectfully requests the prompt resolution of the subject Restriction/Election and the prompt examination of the subject application.

Respectfully submitted,



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